



June 2007

Information Request Questions: Financial – Lender Liability

1. Identify the person(s) responding to these questions on behalf of the [ABC Bank & Trust].
2. For every question contained herein, identify all persons consulted in the preparation of responses.
3. For every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question and provide true and accurate copies of all such documents.
4. State whether you now have, or ever had any legal or equitable interest (including any interest as a beneficiary under a Deed of Trust) in the Site. If you have/ever had any interest in the Site, provide the following information:
 - a. describe such interest;
 - b. the date that such interest was acquired;
 - c. how such interest was acquired;
 - d. if you no longer have any interest in the Site describe when, and to whom, such interest was transferred, and the terms of such transfer;
 - e. provide copies of all documents evidencing or relating to the acquisition and any subsequent transfer by you of such interest.
5. Did you ever have a security interest in any personal property located at the Site? If so, describe such personal property.
6. If you had a security interest in personal property at the Site did you ever foreclose such interest, or otherwise execute on such interest? If so, provide details.

[QUESTION 7 TRACKS THE LENDER LIABILITY RULE (57 FED. REG. 18344 (4/29/92), 40 C.F.R. SECTION 300.1100 (see box above)]

7. In the event that you acquired the Site by foreclosure or its equivalent (including purchase at foreclosure sale, acquisition or assignment of title in lieu of foreclosure, acquisition of a right to title or possession, an agreement in satisfaction of an obligation, or any other formal or informal manner by which a lender may acquire title to or possession of secured property), state whether you at any time:
 - a. participated in the management or operational affairs of the debtor? If so, describe such participation.
 - b. exercised decision making control over the debtor's environmental compliance? If so, describe such exercise of decision making control.
 - c. exercised control at a level comparable to that of a manager of the debtor's business with respect to (i) environmental compliance, or (ii) all or substantially all, of the

- operational (as opposed to financial or administrative) aspects of the debtor's business other than environmental compliance? If so, describe such exercise of control.
8. State the amount and date of each loan, advance or disbursement made to any of the companies by The Bank for the last ____ years. Provide a copy of each such loan agreement between the two parties.
 9. State whether, and the extent to which, any loans were made to any of the Companies by The Bank for the last ____ years. Provide a copy of each such loan agreement between the two parties.
 10. State whether, and the extent to which, any loans made to any of the Companies by The Bank were ever guaranteed by, mortgaged, or collateralized with the assets or real estate of any of the Companies.
 11. Provide all documents that refer, relate to, or evidence such mortgages, guaranties or security interests.
 12. State whether The Bank has ever initiated foreclosure proceedings against any of the Companies as a result of default by any of the Companies on any note held by The Bank. Such proceedings include, but are not limited to: any actions to foreclose on a mortgage of real estate, or foreclosure on any loan involving taking possession of equipment, fixtures, inventory, furniture, or other personal property.
 13. Identify and produce any documents relating to such a foreclosure.
 14. State whether The Bank ever had or currently has any legal or equitable interest in any portion of the Site, including legal or equitable title to the real estate where the Site is located, or to inventory, equipment, fixtures, or other personal property.
 15. State whether The Bank and any of the Companies ever had an agreement, either express or implied, to share profits and or losses from the operations of any of the Companies.
 16. State whether The Bank has ever had a warrant to purchase any stock in any of the Companies, and if so, produce all documents which relate to, or refer to, such warrant.
 17. State whether The Bank has ever held as pledgee any stock in any of the Companies, including common and preferred stock, as collateral for any loans made to any of the Companies by The Bank.
 18. State whether The Bank or any director, officer, employee, or agent of The Bank has ever provided or offered any advice to any of the Companies relating to operation, production, or marketing of any product of any of the Companies, or regarding the handling or disposal of hazardous wastes or hazardous substances at the Site. Describe the nature of any such advice given to any Company(s).
 19. State the amount and date of each loan, advance or disbursement made to any of the Companies by the SBA for the last ten years. Provide a copy of each such loan agreement between the two parties.
 20. State whether, and the extent to which, any loans made to any of the Companies by the SBA were ever guaranteed by, mortgaged, or collateralized with the assets or real estate of any of the Companies.
 21. Additionally, provide all documents that refer, relate to, or evidence such mortgages, guarantees or security interests.
 22. State whether the SBA has ever initiated foreclosure proceedings against any of the Companies as a result of default by any of the Companies on any note held by the SBA. Such proceedings include, but are not limited to: any actions to foreclose on a mortgage

- of real estate or foreclosure on any loan involving taking possession of equipment, fixtures, inventory, furniture, or other personal property.
23. Identify and produce any documents relating to such a foreclosure.
 24. State whether the SBA ever had or currently has any legal or equitable interest in any portion of the Site, including legal or equitable title to the real estate where the Site is located, or to inventory, equipment, fixtures, or other personal property. Provide documents evidencing any such title or interest, if different from documents furnished pursuant to previous Information Request.
 25. State whether the SBA or any employee or agent of SBA has ever provided or offered any advice to any of the Companies relating to operation, production, or marketing of any product of any of the Companies, or regarding the handling or disposal of hazardous wastes or hazardous substances at the Site. Describe the nature of any such advice given to any Company(s) and provide any documents, including but not limited to letters, memoranda or telephone conversation records pertaining to the provision of such advice.
 26. State whether the SBA ever received any statement, affidavit, or correspondence from John Doe regarding the auction held by SBA at the Site. Provide a copy of any such statement, affidavit or correspondence.
 27. Provide any copies of correspondence, including letters, facsimiles and notes of telephone conversations, between the SBA and John Doe, Jack Doe, Joe Doe or any other officer or employee of any of the Companies, which refers or relates to ownership of the real estate, inventory, equipment, or fixtures of any of the Companies.